

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs June 5, 2007

NANCY STEELMAN v. STATE OF TENNESSEE

**Appeal from the Final Judgment of the Tennessee Claims Commission
No. 20400625, Stephanie R. Reeves, Claims Commissioner**

No. M2006-00706-COA-R3-CV - Filed on August 21, 2007

An inmate appealed dismissal of her small docket claim by Claims Commissioner. Since under Tenn. Code Ann. § 9-8-403(a)(2) this court has no jurisdiction to hear an appeal of a decision on the small claims docket, this appeal is dismissed.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed

PATRICIA J. COTTRELL, J., delivered the opinion of the court, in which WILLIAM B. CAIN and FRANK G. CLEMENT, JR., J., joined.

Nancy L. Steelman, Memphis, Tennessee, Pro Se.

Robert E. Cooper, Jr., Attorney General and Reporter; Michael E. Moore, Solicitor General; Jennifer L. Brenner, Assistant Attorney General, for the appellee, State of Tennessee.

OPINION

Ms. Steelman, an inmate in the custody of the Department of Correction (“Department”), proceeding *pro se* filed a claim against the State of Tennessee alleging negligence in the Department’s failure to provide her a prosthetic leg. Ms. Steelman sought to recover \$12,000 in damages. The State filed a motion for summary judgment arguing that since Ms. Steelman had received a prosthetic leg then her claim was moot. The Claims Commissioner denied the Department’s motion finding that there existed material issues of fact regarding whether Ms. Steelman was entitled to damages for the alleged negligent failure to address her medical needs.

Thereafter, the Claims Commissioner filed an order dated May 19, 2005, stating “[t]his is a small docket claim proceeding on affidavits pursuant to Tenn. Code Ann. § 9-8-403(a)(2) and Claims Commission Rule 0310-1-1-.01(2)(d)(1).” The Department submitted affidavits to the effect that the delay in fitting Ms. Steelman with a prosthetic device was due to her medical condition. Ms. Steelman had in fact received her prosthetic device by the time the Claims Commissioner made her decision.

After reviewing the affidavits submitted by the Department and Ms. Steelman, including her medical records, the Claims Commissioner concluded that the State was not negligent in providing medical care in relation to her request for a prosthesis and attendant treatment.

The Claims Commission, which is authorized to hear claims against the state for damages, maintains (2) dockets. Tenn. Code Ann. § 9-8-403(a)(2) provides as follows:

A small claims docket consisting of claims satisfying the monetary limit applicable to the general sessions court of Davidson County. No court reporter shall be utilized nor any record made of these proceedings. These proceedings shall be conducted pursuant to rules and regulations promulgated by the commission. If a claimant consents to having the claimant's claim proceed upon affidavits filed with the commission without a hearing, the state shall be deemed to have waived a hearing on the claim unless the state requests a hearing within sixty (60) days after the claim is filed with, or transferred to, the commission. No appeal may be taken from a commissioner's decision regarding claims appearing on the small claims docket.

Ms. Steelman's claim is far less than \$25,000 and comes within the small claims docket.¹ Tenn. Code App. § 16-15-501 (jurisdiction of general sessions court extends to claims for \$25,000). No motion to transfer the claim to the regular docket was filed. Tenn. Code Ann. § 9-8-403(c). Consequently, pursuant to Tenn. Code Ann. § 9-8-403(a)(2) the Commissioner's judgment is not appealable. *Wiley v. State of Tennessee*, No. 01A-01-9605-CH-00241, 1996 WL 526712, at *2 (Tenn. Ct. App. Sept. 18, 1996) (no Tenn. R. App. P. 11 application filed); *Simpson v. State of Tennessee*, No. 01-A-019011BC00431, 1991 WL 135010, at *1 (Tenn. ct. App. July 24, 1991) (no Tenn. R. App. P. 11 application filed). Since this court has no jurisdiction to entertain this appeal, it is consequently dismissed.

Costs are assessed against Ms. Steelman for which execution may issue if necessary.

PATRICIA J. COTTRELL, JUDGE

¹Ms. Steelman points out in her brief that the Commissioner signed orders whereby the case was designated "regular docket" in the captions of the orders. Whatever may have been inadvertently placed in order captions, the Commissioner's order of May 19, 2005 discussed above clearly designates and recognizes this case as "small docket claim."